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Attorneys for Defendants

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION**

STATE OF LOUISIANA, et al.,

Plaintiffs,

v.

NATIONAL MARINE FISHERIES
SERVICE, et al.,

Defendants,

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Hon. James D. Cain, Jr.
Mag. Judge Thomas P. LeBlanc

Civil No.: 2:25-cv-00691-JDC-TPL

DEFENDANTS' CROSS-MOTION FOR SUMMARY JUDGMENT

Pursuant to Federal Rule of Civil Procedure 56, Defendants National Marine Fisheries Service ("NMFS") and Howard Lutnick, in his official capacity as Secretary of the United States Department of Commerce, cross move for summary judgment on all claims by Plaintiffs in the above-referenced case and oppose Plaintiffs' Motion for Summary Judgment, ECF No. 33. As

explained in the attached Memorandum, NMFS lawfully discharged its duties under the Endangered Species Act (“ESA”) and the Administrative Procedure Act in issuing the 2025 programmatic biological opinion (“BiOp”) challenged in this case. In the BiOp, NMFS evaluated a vast array of oil and gas activities throughout the Gulf of America and thoroughly assessed their potential impacts on ESA-listed species. It reviewed the best available scientific information and reached rational conclusions based on its expert judgment and the entire administrative record. Plaintiffs have not carried their burden of showing that NMFS failed to consider relevant factors or made a clear error of judgment. Accordingly, the Court should grant Defendants’ Cross-Motion for Summary Judgment and deny Plaintiffs’ Motion for Summary Judgment. A proposed order is attached.

Dated: September 15, 2025

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